

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-CV-00504-FDW-DSC

CPI SECURITY SYSTEMS, INC.,

Plaintiff,

v.

VIVINT SMART HOME, INC.,  
f/k/a MOSAIC ACQUISITION CORP.;  
LEGACY VIVINT SMART HOME, INC.  
f/k/a VIVINT SMART HOME, INC.,

Defendants.

**DEFENDANTS' MOTION  
*IN LIMINE* TO EXCLUDE  
VIVINT'S PRIOR LAWSUITS  
AGAINST COMPETITORS**

Pursuant to paragraph 4(d) of the Case Management Order (Doc. 35), Defendants Vivint Smart Home, Inc. and Legacy Vivint Smart Home, Inc. (together, "Vivint") respectfully move the Court for an order excluding any evidence, reference, or argument by Plaintiff CPI Security Systems, Inc. at trial regarding prior lawsuits that Vivint has filed against competitors.

The grounds for this motion are set forth more fully in Vivint's contemporaneously filed brief.

Vivint certifies that, prior to filing this motion, its counsel consulted CPI's counsel regarding the relief sought in this motion. CPI does not consent to the relief sought in this motion.

Respectfully submitted the 15th day of December, 2021.

**GREENBERG TRAURIG, LLP**

By: s/ Michael N. Kreitzer  
Michael N. Kreitzer  
Florida Bar No. 705561  
kreitzerm@gtlaw.com  
333 S.E. 2nd Avenue, Suite 4400  
Miami, FL 33131  
Telephone: (305) 579-0500

By: s/ Gregory W. Herbert  
Gregory W. Herbert  
Florida Bar No. 111510  
herbertg@gtlaw.com  
Joshua R. Brown  
Florida Bar No. 826391  
brownjr@gtlaw.com  
450 S. Orange Avenue, Suite 650  
Orlando, FL 32801  
Telephone: (407) 420-1000

**Counsel for Defendants**

**CLYDE SNOW & SESSIONS, P.C.**

By: s/ Matthew A. Steward  
Matthew A. Steward  
Utah Bar No. 7637  
mas@clydesnow.com  
Shannon K. Zollinger  
Utah Bar No. 12724  
skz@clydesnow.com  
One Utah Center, 13th Floor  
201 South Main Street  
Salt Lake City, UT 84111-2216  
Telephone: (801) 322-2516

**Counsel for Defendants**

**POYNER SPRUILL LLP**

By: s/ Andrew H. Erteschik  
Andrew H. Erteschik  
N.C. State Bar No. 35269  
aerteschik@poynerspruill.com  
John M. Durnovich  
N.C. State Bar No. 47715  
jdurnovich@poynerspruill.com  
N. Cosmo Zinkow  
N.C. State Bar No. 53778  
nzinkow@poynerspruill.com  
P.O. Box 1801  
Raleigh, NC 27602-1801  
Telephone: (919) 783-2895

**Local Counsel for Defendants**

**CERTIFICATE OF SERVICE**

I certify that I have electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of filing to all counsel and parties of record.

This the 15th day of December, 2021.

s/ Andrew H. Erteschik

Andrew H. Erteschik